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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,760	08/14/2001	Scott E. Hrastar	191910-1111	9487

7590

09/02/2003

Scientific Atlanta, Inc.
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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 09/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/929,760

Applicant(s)

HRASTAR ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 10-14 and 17-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shoff et al. (U.S. Patent No. 5,758,258).

Referring to claim 1, Shoff discloses a network manager including at least one database of authorized users and a validation agent (see Column 5, Lines 37-39 for a network manager and Column 7, Lines 8-11 for a validation agent).

Shoff also discloses logic to authorize the subscriber to access a first communications path by comparing first identification information with at least part of the at least one database, the first communications path providing at least a portion of connectivity between the host location and a headend of the cable data delivery network (see Column 6, Lines 59-67 and Column 7, Lines 1-32).

Shoff also discloses a second communication path that is accessed by the same subscriber providing only a portion of connectivity from the host to the headend locations. Note that when a user enters a certain PIN, they are granted a specific service level, which provides a certain amount of programs, which inherently requires a

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certain portion of bandwidth to transmit the data to the user at the host location.

Therefore, a subscriber can either enter a basic service if he/she wants her kids to only access G-rated channels, or the subscriber can access higher levels of service, which will give them basic service and premium channels (also see Column 5, Lines 56-67 and Column 6, Lines 1-49).

Referring to claim 10, Shoff discloses sending control information over a modem link (see Column 4, Lines 23-28), which would inherently be sent on a telephone line (PSTN network).

Referring to claim 11, Shoff discloses that the first communications path is bi-directional. The examiner notes that a PSTN network, which comprises copper lines inherently contain an upstream and downstream, where the upstream comprises less bandwidth than the downstream.

Referring to claim 12, Shoff discloses that a second communications path is an RF cable link (see Column 3, Line 45 for use of a cable based video network, which would inherently contain an RF cable link).

Referring to claim 13, Shoff discloses at Column 4, Lines 24-28 that data is sent downstream by satellite and upstream via modem, therefore, the second communications path (the satellite) is inherently uni-directional, because it is only sending data downstream.

Referring to claims 14 and 17-20, see rejection of claims 1 and 10-13, respectively.

Referring to claims 21 and 23-24, see rejection of claims 1, 10 and 12, respectively.

Referring to claim 22, note that Shoff discloses sending different levels of service when the subscriber is identified (see Column 5, Lines 34-38), therefore if a certain user logs in, then a certain amount of data will be sent to them at that time, therefore each level of service inherently contains a certain amount of bandwidth to complete the transfer.

Referring to claims 25-28, see rejection of claims 1, 22, 10 and 12, respectively.

Referring to claims 29-32, see rejection of claims 1, 22, 10 and 12, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Bryer et al. (U.S. Patent No. 4,780,757).

Referring to claims 2 and 3, Shoff discloses an electronic identifying number, but fails to teach the identification information containing a password. Bryer teaches a USERID and password in the identifying code, which is used to verify the user to make requests for specific video and audio frames (see Column 10, Lines 26-36, also note that the requests will inherently dictate the portion of the of connectivity between the host and headend). Also note that Shoff discloses in an alternate embodiment, the

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architecture disclosed in Bryer, where a separate telephone link is used for the login procedure (see Column 4, Lines 23-28 of Shoff). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the information (PIN number) provided to the headend for verifying the user, as taught by Shoff, by also sending a userid and password to the headend to verify the user, as taught by Bryer, for the purpose of control service use of the television system by subscription only (Column 10, Lines 26-27 of Bryer).

Claim 4 corresponds to claim 3, with the additional limitation of providing a database to store the USERID and password. Shoff and Bryer both disclose a database used for this purpose at (see Column 5, Lines 37-39 of Shoff and Column 10, Lines 26-30 of Bryer).

Claim 5 corresponds to claim 4, with the additional limitation of authorizing the use of the first communications path according to the USERID and password information (see Column 10, Lines 38-42 of Bryer).

Claim 6 corresponds to claim 5, with the additional limitation of a dial-up device that further includes a cable data receiver for receiving the digital data (see element 13 in Figure 1 of Bryer).

Claim 7 corresponds to claim 6, with the additional limitation of the dial-up device is uniquely identified by an electronic identifying number, and where the second identification information includes the electronic identifying number (see Column 5, Lines 34-37 of Shoff).

Claim 8 corresponds to claim 7, with the additional limitation of the database including authorized identifying number for each of a plurality of dial-up devices (see Column 5, Lines 37-39 of Shoff).

Claim 9 corresponds to claim 8 with the additional limitation of the validation agent authorizing the dial-up device to receive the digital data over the second communications path after comparing the identifying number of the call up device with the numbers in the database (again note that Shoff discloses the alternate embodiment of providing a separate modem link at Column 4, Lines 23-28, which therefore provides a link for verifying the user, using the PIN disclosed at Column 5, Lines 37-39).

Referring to claims 15-16, see rejection of claims 2-3 (for claim 15) and 7 (for claim 16).

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

August 20, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600